

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:12-CR-05047-BCW-1
)	
ANDY ERIC BROWNLEE,)	
)	
Defendant.)	

ORDER

Before the Court is Magistrate Judge David P. Rush's Report and Recommendation (Doc. #44) recommending that Defendant be declared competent to proceed with hearing on Defendant's supervised release violation. On June 25, 2015, Magistrate Judge Rush ordered a psychiatric examination be conducted for Defendant, pursuant to the Government's oral motion and 18 U.S.C. § 4241(b). (Doc. #37).

On October 7, 2015, the parties appeared before Magistrate Judge Rush on the issue of Defendant's competency. Neither party presented evidence, other than the Forensic Psychologist's Report that was submitted to the Court on September 24, 2015, after Defendant's psychiatric / psychological evaluation. On October 20, 2015, Magistrate Judge Rush issued the instant Report and Recommendation, recommending that Defendant be declared competent to proceed. Neither party filed objections to the Report and Recommendation; Defendant's counsel filed a status report indicating he had no objection to the Report and Recommendation (Doc. #45).

After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Rush's findings of fact and conclusions of law and finds

defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense. Accordingly, it is hereby

ORDERED Magistrate Judge Rush's Report and Recommendation (Doc. #44) is hereby ADOPTED. Defendant Andy Eric Brownlee is hereby declared competent to proceed with hearing on Defendant's supervised release violation. It is further

ORDERED the Magistrate's Report and Recommendation (Doc. #44) be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: February 5, 2016

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES

UNITED STATES DISTRICT COURT